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Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EVANGELINE RED and RACHEL
WHITT, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

Case No. 2:10-cv-01028 GW(AGRx)
Pleading Type: Class Action
Action Filed: February 11, 2010

**NOTICE OF MOTION AND
MOTION FOR ATTORNEYS' FEES
AND COSTS**

Judge: The Hon. George Wu
Date: March 11, 2013
Time: 8:30 a.m.
Location: Courtroom 10

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 11, 2013, at 8:30 a.m. in Courtroom 10 of the United States District Court located at 312 N. Spring St., Los Angeles, CA 90012, Plaintiffs Evangeline Red and Rachel Whitt, will, and hereby do, respectfully move this Court for an Order awarding attorneys' fees and costs.

Plaintiffs make this Motion pursuant to the fee-shifting statutes of the Consumers Legal Remedies Act, Cal. Civ. Code § 1780(e), and Private Attorney General Statute, Cal. Code Civ. P. § 1021.5. Plaintiffs are "prevailing" and "successful" parties under these statutes because the Court entered an order enjoining Kraft from using challenged advertising. Accordingly, and given the excellent results, contingency risk, preclusion of other employment, length of litigation and delay, novelty and difficulty of questions, and skill of counsel, Plaintiffs seek an attorneys' fee award of \$3,298,937.15, reflecting Plaintiffs' lodestar of \$1,434,320.50, based on 3,643.2 hours of work and reasonable hourly rates, with a 2.3 multiplier. Plaintiffs also seek an award of recoverable costs pursuant to Cal. Code Civ. P. §§ 1033.5(a)(1), (3), (4), and (7), and costs reasonably necessary to conduct the litigation pursuant to § 1033.5(c), in the amount of \$18,132.56.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the concurrently filed Declarations of Dr. Nathan Wong ("Wong Decl."), Jack Fitzgerald ("Fitzgerald Decl."), and Gregory S. Weston ("Weston Decl."), including all exhibits thereto, all other pleadings and papers on file in this action, and such oral argument as may occur at the time of the hearing.

This Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on November 2, 2012. Defendants indicated they will oppose the motion.

1 DATED: February 8, 2013

Respectfully Submitted,

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3 /s/Gregory S. Weston

Gregory S. Weston

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